

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CLIFFORD DENTON,

Petitioner,

Case Number: 09-13581

v.

HONORABLE AVERN COHN

C. ZYCH,

Respondent.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION
AND
DENYING APPLICATION FOR WRIT OF HABEAS CORPUS
AND
DISMISSING CASE

I.

This is a habeas case under 28 U.S.C. § 2241. Petitioner James Clifford Denton (Petitioner) is a federal prisoner. The Bureau of Prisons (BOP) has calculated Petitioner's projected release date as November 16, 2010. Petitioner filed the instant petition claiming that the BOP has wrongfully denied him participation in a Residential Drug Abuse Program (RDAP). The matter was referred to a magistrate judge. Respondent filed a response, contending that the petition should be dismissed for failure to exhaust administrative remedies and for lack of merit. The magistrate judge issued a report and recommendation (MJRR) recommending that the petition be denied for lack of merit because Petitioner has no liberty interest in participation in the RDAP.

Neither party has objected to the MJRR and the time for filing objections has passed.

II.

The parties' failure to file objections to the report and recommendation waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. Thomas v. Arn, 474 U.S. 140, 149 (1985). However, the Court has reviewed the MJRR and agrees with the magistrate judge that the petition must be denied for lack of merit. Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Petitioner's application for writ of habeas corpus is DENIED. This case is DISMISSED.

SO ORDERED.

Dated: March 1, 2010

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to James Denton, 9567085, Milan Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 1000 Milan, MI 48160 and the attorneys of record on this date, March 1, 2010, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160